



KAILUA NEIGHBORHOOD BOARD NO. 31

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REGULAR MEETING MINUTES THURSDAY, MAY 4, 2006 KAILUA RECREATION CENTER

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CALL TO ORDER: Chair Kathy Bryant-Hunter called the meeting to order at 7:10 p.m.; a quorum was present with 15 members. Everyone was welcomed and thanked for coming.

A brief introduction was given for Dr. Luciano Minerbi and his students from the University of Hawaii's Department of Urban and Regional Planning. They've been working this semester on a community based project of Kailua, and they would like your feedback on some of the information they've gathered and is being displayed outside at the entrance of the meeting room. A more detailed presentation will be presented at the Planning, Zoning and Environmental Committee meeting in June. Everyone was encouraged to take a few minutes to review the display and give feedback.

MEMBERS PRESENT: Lawrence Bartley, Kathy Bryant-Hunter, Jon Chinen (9:00), Jim Corcoran, Michael Correa, Susan Dowsett, Mike Dudley, Virginia Enos, Faith Evans, Dale Gibler (7:25), Debbi Glanstein, Joe Harding, Knud Lindgard, Charles Prentiss (7:20), Linda Ure, Bill Wilson and Josh Wisch.

MEMBERS ABSENT: Claudine Tomasa and Donna Wong.

GUESTS: Stann Reiziss, John Foster (Representative Thielen's Office staff), Joe Gilman, Representative Pono Chong, Jim Latko (Windward Harbor), Lt. Richard Robinson (Honolulu Police Department), Mike Heh (Pohakupu Community Association), H Gert de Couet, Susan Polanco de Couet, Luciano Minerbi and Trisha Dang (University of Hawaii – DURP), Senator Fred Hemmings and Barbara Krasniewski (staff), Alex Akana (Honolulu Fire Department), Juliana Lopez, Senator Bob Hogue, Tonic Billie (B&B and TVU Association), Bob Watts, Duane Samson (Boys and Girls Club of America), Clifford Lum (Manager and Chief Engineer of Board of Water Supply), Wesley Mundy (DOCARE Supervisor, Windward District); Gary Moniz (DOCARE Enforcement Chief); Robert Fernandez (DOCARE Oahu Branch Enforcement Chief); Robert John Silverstein (DOCARE associate); Marie Richardson (Neighborhood Commission Office).

UNFINISHED ACTIONS: None.

APPROVAL OF MINUTES FOR APRIL 6, 2006: Corrections were:

- Page 8, Rockslide Repair Work on Kailua Road, line 6, correct: [Highway and the rockslides there.] Highway rockslides.
- Page 8, identity theft bills, last sentence, correct: All five, [and] or bills
- Page 19, **CIVILIAN MILITARY COUNCIL**, correct: [Lou Teraka] Lou Torraca

Harding moved, seconded by Glanstein to approve the minutes of April 6, 2006, as corrected. Motion

passed 14-0-1. Aye: Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Glanstein, Gibler, Harding, Lindgard, Ure, Wilson, and Wisch. **Abstain:** Evans.

AGENCY REPORTS:

HONOLULU FIRE DEPARTMENT (HFD) – Capt. Alexander Akana, of Kailua Station, reported the statistics for the month and including Aikahi and Olomana Fire Stations:

- 11 structure, 0 brush, 4 rubbish, 3 vehicle fires; 105 medical, 10 search/rescue, and 24 miscellaneous emergency calls for service; most of the miscellaneous calls were for the mud and rock slides, during the rainier part of the month.
- **Fire Safety Tip: Prepare a fire escape plan. Map out your escape routes with at least two ways out of each room. Designate a location outside of the house where everyone can meet. Know where the closest phone is located to call 911.**
- Included was a Fire Wise brochure, which explained making area home surroundings and landscaping safe from fires.



HONOLULU POLICE DEPARTMENT (HPD) – Lt. Richard Robinson reported the statistics for April 2006, as compared to the previous month:

- 22/11 burglaries, 72/62 other property thefts, 36/42 theft from automobiles (UEMV), 4/1 robberies and 14/10 auto/motorcycle thefts.
- Last month there were 6 graffiti arrests (two were from the water tank in Kailua and four in Kaneohe); in addition, a recent burglary arrest of a suspect HPD believes responsible for numerous burglaries in the Kaneohe area. He has been charged and waiting in Oahu County Correctional Center (OCCC) for his hearing.
- HPD also found that **in Kailua, more than 50% of the cars broken into were left unlocked. Keep in mind to lock and secure your valuables in your cars.**

Questions & answers for the Fire and Police Departments:

HFD: Dudley's neighbors on Kawaihoa Road wanted to thank HFD for helping them out with pumping out the water and preventing more property damage. Capt. Akana acknowledged the appreciation and explained that they can actually only pump if there is an emergency situation and/or there's somewhere else they can pump the water to without flooding someone else's property. But if there's a heavy rain and everywhere is flooded, there's really not much HFD can do. When there's no emergency situation; just flooding in general, HFD cannot respond to the call; pumping has to be done by a private contracting service.

HPD: There were no questions for the Police Department.

Gibler arrived during the above portion of the meeting, 16 members present.

BOARD OF WATER SUPPLY (BWS) – Clifford Lum, Manager and Chief Engineer of the Board of Water Supply introduced himself and gave a brief update. This year, BWS is proposing to increase the water rates and is proposing a five-year schedule of water rate creases. For 2006, the increases will be at 13% followed by 12%, 10%, 8% and 5%. Projections, at this time will show a pace that after five years the ability to match the cost of living increases and to go forward from there. In actual dollars, a typical homeowner, at 13% will increase \$3.63 per month to your water bill. There will be a Public hearing on Monday, May 15 at 2:00 p.m. in the Board Room at Board of Water Supply, located at 630 South Beretania Street. For additional information call 748-5000 and ask for the Communications Office or log onto: www.BoardofWaterSupply.com.

Questions, comments and concerns followed:

1. Evans was conflicted in support or opposition to the increase as she had worked for BWS for a short while when BWS was going through a re-engineering of itself and spent thousands of dollars for a consultant. At that time BWS had a lobbyist that they paid \$75,000 a year to represent them at the legislature (which she had some problems with) and she inquired whether, or not, that is still being done. Lum noted there was a re-engineering program back in 2000, which actually looked at optimization of the workforce. By implementing some of the suggested results, BWS was actually able to reduce (not eliminate) some of the work force by approximately 73 positions. As a result of the reengineering/moving of those positions, and with the BWS aging in their workforce, is now in a position of not being to fill those positions fast enough; and has actually lost some of those positions in that regard. Evans asked again if that reengineering program still going on; and Lum indicated that the program has resulted in a lot of cost savings to the BWS--Evans indicated increased expenses as well. She inquired again about the lobbyist. Lum stated there is a lobbyist on board that works for the State Legislature, and for this year for example tracked 83 bills of both the City Council and Legislature--BWS does have a lobbyist on board for select years. Evans further noted that BWS is a quasi public agency and BWS is using her dollars to pay for a lobbyist. Her understanding was that BWS might have cut positions in the lower levels and brought in a lot of people in the upper levels and, therefore, these issues would be her concerns at the public hearing. Lum said one thing that everyone should know about the cost and the reason for the rate increase, is that this is the first rate increase in 11-years, (last increase was in 1995). It's been a long time and over the last 10/11 years, operating cost has risen to the point where the revenues no longer cover those operating cost, so they're looking for the rate increases at this time.
2. Corcoran thanked Lum for coming tonight and asked when the last time BWS was audited. Lum indicated that BWS submits financial statements every year to the City Government and City Council. Corcoran clarified whether BWS was being audited by the State or an outside agency; or was it submitting an audit of itself. Lum replied that the City Auditor is auditing BWS currently, however, they are not auditing BWS for financial reasons; but rather looking at some optimization practices.

Board member Prentiss arrived during this portion of the meeting (17 members present).

3. Glanstein asked if there are vacant BWS positions that are funded. Lum replied there are 52 vacant positions (which BWS has actively tried to fill).
4. In response to Dudley's inquiry about sewer fees, Lum said sewer charges do appear on same bill but sewer bill is separate and falls under the Department of Environmental Services. The BWS increases are only on the drinking water side.
5. Prentiss said in 2003 the Mayor gave each neighborhood board \$1 million to spend on Capital Improvement Projects, and one of the items the Board initially identified and approved was a project to remove the abandoned water tank on the top of Puu o Ehu Ridge. The then Mayor Harris indicated that the CIP project was BWS business and forwarded the request to Mr. Jamile, Manager and Chief Engineer of BWS, at that time; who indicated that there was enough money in the BWS budget and that they were going to remove the water tank--that was two years ago. Lum indicated the demolition project Prentiss referred to is not in the budget for this year and has not been in the budget for probably the last two years. He further stated that there will be four projects in the immediate Kailua area within the next 18-months - all water line replacement projects; instead of the abandoned water tank demolition. BWS put the monies into replacing infrastructure that is failing beginning in Lanikai with Mokulua Road. Prentiss noted that the Board is on record as wanting to see the water tank removed and would still like to see it removed. Lum noted it.
6. Evans recalled that the Board received a letter from Mr. Jamile that said it would be removed and inquired whether there had been a change of heart--or what.
7. Bryant-Hunter said it sounds like funding priorities changed and the Board was not notified; so it looks like the Board will have to go back and reconfirm the position of the Board. Lum so noted and made a personal comment that when given the funding resources and making a decision to remove an abandoned water tank versus replacing infrastructure that is breaking; BWS would normally choose the water lines first. Bryant-Hunter expressed concern that the Board had an understanding and were not notified of the change and the expectation was that the tank was to be removed.

ELECTED OFFICIALS:

COUNCILMEMBER BARBARA MARSHALL – Andrew Malahoff distributed Councilmember's report and noted that Councilmember sends her regrets but a prior scheduling conflict precludes her from attending.

- Council is nearing the end of the City's budget process; Councilmember has submitted proposed cuts that would have lowered the tax break by about 10%
- The contract for the Kawai Nui mangrove project has been executed and the contractor will begin that project shortly.
- The City Department of Planning & Permitting (DPP) is accepting affidavits from private citizens regarding zoning violations for B&B and TVU's rentals (bed & breakfast and transient vacation units); affidavits have to be notarized before being submitted; and DPP would like to receive two separate affidavits from individuals before issuing citations.

MAYOR'S REPRESENTATIVE – Chair Bryant-Hunter announced that the Mayor's representative (Schultz) and alternative (Manke) would not be present tonight. The Mayor's representative has submitted a written report with follow-up information to the concerns of the previous month that will be included in the minutes once Board members read it and decide if there are any follow-up questions the Board should submit it for further follow-up.

1. What is the status of FY 2003 CIP for Kailua relating to **flood control drainage and traffic control** on Alala Road and on Kawaioloa Road – Project # 1996306. Response pending.
2. **Bus stop at lower Aulua Road** / Negotiation with State for land to complete CIP (City) project for covered bus stops for children, seniors, handicapped and employees in Maunawili Valley. Response pending.
3. What agency is responsible for **testing dead fish** to find the cause of why they died when they wash up on the beaches? Response by the City Department of Environmental Services (ENV): This should be referred to the State Department of Health (DOH) or the State Department of Land and Natural Resources (DLNR).
4. Why doesn't the City use a more effective type of **material when filling potholes**. Something that is less likely to come off during the next heavy rain. Response by the City Department of Facility Maintenance (DFM): A pothole indicates a failure of the underlying pavement structure requiring excavating and then reconstruction. With our deteriorated road situation, these are not isolated occurrences, but extend over significant areas of our roadways indicating large areas of failed pavements. Pothole patching only temporarily corrects that failure until a full reconstruction of the failed pavement can occur. The type of material most frequently used is hot mix asphalt, the very same material used in our resurfacing and reconstruction projects. The process of patching or repairing potholes is not the permanent solution to our deteriorating roadways; it is intended to temporarily correct a current safety and drivability concern quickly with minimal delays to the traveling public.
5. The Board would like **information on the different types of applications; variance**. Also, is there a requirement by the applicant; or a requirement by the permitting department which requires a presentation to the Board or a certification or support letter from the NB.? Is there a standard deadline for public comment after

DPP accepts an application or a notice of acceptance of all applications submitted by DPP? Are notices sent only to NCO or to NB's P. O. Box addresses as well? Response by DPP: As a follow up to DPP response on similar questions last month, additional information on the applications and procedures can be found at the DPP website, www.honoluludpp.org. The website will also identify, by permit type whether presentation to the NB is required. In general, NB notification, through the NCO, is provided for most permits submitted to the DPP. This does not include non discretionary permits such as subdivisions and building permits. A check of our master mailing list indicates that a Lanikai Association is already on the list. Should new organizations be formed wishing to receive notification, they should write to DPP to request placement on the master list.

6. Would it be possible to move up the priority for fixing the **upstream pedestrian walkway over Kaelepulu Stream**? Response by DFM: Councilmember Marshall is proposing \$50,000 in FY07 CIP Budget. The FY07 budget is presently before City Council and awaits approval.
7. What are the responsibilities of the **contractors to clean up following the job**, or put the road, easements, back to its original state? This is relating to the sewer project, where the contractor is not doing a good job and it seems that the contractors are not held responsible. Response by the City Department of Design and Construction (DDC): Contractors are required to restore areas that are damaged by their operations, to equal or better conditions, than it was before the construction. During the April 6, 2006, Kailua Neighborhood Board meeting, the construction management team for the Kalaheo Avenue Reconstructed Sewer project, indicated that if any residents have areas of concern, they may call the project hot line, 386-0163.
8. The **traffic signal light at Kalaniana'ole Highway and Keolu Drive** needs to be adjusted to allow a longer left turn signal from Kalaniana'ole into Keolu Drive. Response pending.
9. What is the **status of the 311 non-emergency bill**? How would this bill be implemented? Response by the City Department of Information Technology (DIT): The bill is currently in conference committee. We are waiting for funding from the State to do a study. We would conduct a planning cycle to develop an implementation plan for 3-1-1, but based on our research, we believe that a 'staged' approach would be implemented.
10. Kailua Bay has been closed again to fishing and swimming due to **sewage overflows**. Some years ago, KNB passed a motion that the Governor and Mayor work together to move the sewer rehab project up to an emergency basis thereby, releasing funds and resources in order to speed up the sewer rehab. It is believed that funds and resources have been released. Response by ENV: We appreciate the Board's concern and support. The major project affecting the Kailua wastewater system, the Kalaheo Ave. sewer project, is now on track for a December 2006 completion. Construction funds are in the FY06 and FY07 budget for the Wanaao Road/Keolu Drive Reconstruction Sewer and the Ilimalia Loop-Mokapu Blvd Sewer Rehabilitation/Reconstruction. These projects will go out to bid later this year. Construction funds are in the FY07 budget for the Kalaheo Avenue/Mokapu Road/Aikahi Loop Sewer Rehabilitation. Over \$100 million in construction funding is going to upgrade the Kailua wastewater system.
11. Please give us a **status report on the emergency system proposed as a G.I.A.** in SB 20784, SD1, HD1, HD2. Response by the City Department of Customer Services (CSD): Presently in conference committee with the House and Senate.
12. Who is dumping dirt and debris along Kapaa Quarry Road? Are there proper permits? Response by DPP: DPP would need a more specific location before they can investigate.

GOVERNOR'S REPRESENTATIVE – Mark Recktenwald reported:

- **Kailua High School Access Road** – slightly more than \$5 million for the construction of that road was included in the budget and passed by the Legislature. The community owes a great debt to Debbi Glanstein and Mike Heh and many other people who advocated for that project over the past years, which was supported by the community and the Governor, and construction monies are in the budget also. Last month there was a question about design and planning money; the remainder of that money has been released and will be going to the State Department of Accounting and General Services (DAGS) and they are proceeding now to wrap up the planning phase, and hope to have a designing consultant in place by July and expecting construction sometime in the end or the fourth quarter of 2007.
- **Dead Catfish on Kailua Beach** – there are two divisions of the State government that have an interest: the Division of Aquatic Resources at 587-0100 or the DOH - Clean Water Branch at 586-4309, typically responds to kills of fish and tries to analyze and determine what happened. They weren't aware of this particular incident because it had not been reported. One scenario was if it were catfish, it may have washed out of an area pool/pond or stream and may have gotten into the salt water, but that is pure speculation.
- **Identify Theft Bills** – as discussed at the last meeting, identity theft bills have all passed Legislation; so good progress has been made.
- **Hurricane Insurance Availability Issue** – the department's insurance division is very much aware of the issue. Recktenwald knows that the Board has some questions in that area and will brief Mr. Chinen's committee. The State is addressing that problem on a number of different fronts; and the best solution is to have more players in the market place and that's something they've actually been working on. A Korean

insurer Dongbu was authorized to do business beginning May 1, and another company looking to come in and will be licensed to operate sometime soon. Those options of having more players in the marketplace is the one thing they are pursuing and another is that Zephyr Insurance Company, which put stricter underwriting guidelines in place instead of precipitating the concern and looking to obtain a more reassurance to potentially broaden the range of people who they will accept new business from..

- **Matter Relating to Water Quality Reporting** – the DOH has sent a letter to the Board explaining its efforts to improve the quality of reporting on the website.

Recktenwald introduced Brandon Morioka, Deputy Director of the State Department of Transportation (DOT) - Highway Division, in response to the number of concerns regarding transportation issues. Morioka highlighted on DOT updates:

- **Kappa Quarry Road stock pile** – the excess material that was dumped on the side of the road was taken from the Kailua Road slide area and other portions of Kalanianaʻole Highway (closer to the LeJardin area) was stockpiled there temporarily. DLNR is currently moving it around; whatever excess material that DLNR doesn't want to use to help with its grading, a work order is ready to issue to dispose of the material, as soon as DLNR is done.
- **Kalanianaʻole Highway and Keolu Drive Intersection** – tied into the Kailua rockfall, the City Department of Transportation Services (DTS) is aware of backup of traffic at the intersection. There is a request into the City to allow more green time for the left turn lane into Keolu from Kalanianaʻole until the rockfall project is completed. DOT does have an agreement with the City to monitor/maintain and manage the traffic signal on the State highways.
- **Kalanianaʻole Highway Bus Stop near Aulua** – one of the concerns was that DOT was holding up on a request for a bus shelter. Morioka noted a miscommunication; the department does not transfer land for bus shelters within the right-of-way. However, because of that fact, there is an existing MOA (memorandum of agreement) with the City for all bus shelters on all state facilities. The situation at this particular location is that about two years ago the City's consultant submitted plans, which had deficiencies for highway safety standards, which DOT provided comments and rejected the submittal; and asked the City to resubmit with the proposed changes. The City and the consultant decided not to resubmit, so that's where it stands. Should the City decide to resubmit the plans DOT will review them and accept them if they meet highway standards.
- **Kailua Road Rockfall Project** – DOT's initial thoughts was that DDC was to take approximately 18 months to two years; and for DOT that started to create some problems as far as congestion going into Kailua town, so they started looking at various other options for a permanent fix as well for the interim solution for this congestion. Part of the issues for the permanent design is that there are going to be some significant land acquisition, which DOT didn't realize until they started looking at the maps, and which DOT only owns about 30 feet up the slope; and the rest of the slope is owned by various landowners (mostly private and a portion by BWS). DTS won't know the extent of the landownership until they get a firm right of way map and do the topography. There were also concerns about utility relocations, and DOT's concern was mitigation of the slope and the utility poles and the fiber optics lines that service all of Kailua; so they need to make sure. The consultants went back and did about nine different alternatives; and the initial estimated cost was about \$15 million, but DOT thinks that they are able to reduce the cost down to about \$5 million. It'll be a catchments ditch, some fencing, scaling of the rock --- and localized netting. Total construction time is approximately six to seven months (initially thought to be up to two years); but through this method DOT will be able to significantly reduce this, but they still have the right-of-way issues; no utility relocation, and that's a significant reduction in time. DOT thinks that they can start of the physical construction of the permanent solution in August 2006; and take about six months and done by next February. The big issue is the congestion, primarily the one lane. The consultants indicated that DOT could do one of two things; either leave it the way it is and do the construction with the right lane closed (leaving one lane) or use the median, which would provide two lanes throughout the entire process. Knowing the way traffic backs up past Castle Hospital in the afternoons, DOT decided that the best route was to use the median. DOT's initial meeting was with LaniKailua Outdoor Circle, and were told about the issues and DOT's proposal plan of paving the median from St. Johns to Windward Boats, which they were very supportive. And to relocate and temporarily store twenty nine palms currently there. Some of the problems they'll have to get around as far as the design is that there is a waterline that runs down the center of the median, so they are checking to see how close it is to the surface cause that'll affect the design; and accommodating for the drain across the highway. This all makes it a little difficult for the temporary fix but DOT think they'll maybe able to start in early June (first week) and complete it in 6 – 8 weeks (late August); and should have both Kailua Road open up two lanes in both directions. And one of the reasons why the LaniKailua Outdoor Circle found the plans amenable to them is because that area is the gateway to Kailua town and that DOT will restore to the existing condition the existing landscaping that will be torn out; in addition, DOT will, at their cost, do the

second phase of the LaniKailua Outdoor Circle's gateway plan. At the request of Ms. Evans and the Transportation Committee, DOT will be presenting a conceptual design of both the temporary and permanent fix and a timeline schedule at the May 17 committee meeting; and in early or mid June, DOT will go out with a full public informational meeting to the public.

Chair Bryant-Hunter took a few questions tonight and encouraged attending the committee meeting on May 17 to ask further questions.

Questions, comments and concerns followed for elected officials:

1. In response to Dudley's inquiry regarding the median, Morioka indicated that once the permanent fix is in DOT will restore Kailua Road to its existing condition with the two lanes on the same alignment and do the second phase of the LaniKailua Outdoor Circle's gateway plan at DOT's expense.
2. Harding has been asked by a number of people why is the police officer just sitting there. Morioka said that the police officer is there not necessarily for the work, but they're presence is to prevent pedestrians from walking on the rockfall side; and signage will not do it because DOT has seen a number of students walking on the sidewalk.
3. Evans thanked Dr. Morioka for agreeing to come to the Transportation and Public Safety Committee meeting on Wednesday, May 17, 2006. She was very pleased with the progress and members will be allowed to ask more questions at that committee meeting.

Bryant-Hunter thanked Morioka for coming; Recktenwald for giving up his report time; and acknowledgements to Mike Heh for his many years behind the Kailua High School Access Road and thank him for all his work. Bryant-Hunter asked Mike Hey to come forward and say a few words.

Mike Heh stated he first came before the Board in 1999, seven years ago, now, seven years later, there's \$5 million funded for this project. He also recognized the Kailua Neighborhood Board for their work, and acknowledged that without the KNB, the monies would never have been funded; and Waimanalo Neighborhood Board too for their partnership that really got this project going. But after four years of giving it his all and about to quit, Debbi Glanstein, a true leader, came upon the scene and she truly led the way; rewriting letters, writing resolutions, holding meetings, testimonies, etc., and he knows that he would not have been here today, seven years later, if not for her; the community is grateful to you; and our elected officials, Pono Chong, Tommy Waters, Fred Hemmings, and Bob Hogue – thank you for your work on this; recognized Governor Lingle for giving him the opportunity to have a face to face with her on this project; and all the people that's been on the project, Faith Evans for being a mentor; Jim and Shannon Wood, and so many others; they know who you are.

Chair Bryant-Hunter hoped future projects won't take seven years, but it just shows that with a lot of effort, commitment, and good community actions, you can get things done that we need for our community.

ELECTED OFFICIALS CONTINUED:

SENATOR FRED HEMMINGS – distributed his report and highlighted:

- Our dependence on fossil fuel and the dedicated work to find alternative and diversifying our energy consumption with renewable energy sources.
- The criminal justice system has been adjusted so that judges cannot turn criminals back to the streets to commit more crimes as it cost less to have criminals in jail than to prosecute the additional crimes.
- Housing initiatives have been addressed.
- Tax reduction will be given to the taxpayers from the budget surplus.
- Education funding still requires systemic change so that the bureaucracy is not the problem and the students are educated.
- Kawai Nui funding will not be done until the Marsh has a single owner, despite support all along the way--on the floor of the senate the vote was no.
- Senator Hemmings voted in favor of a cigarette tax and smoking ban.

SENATOR BOB HOGUE -- reported:

- The Senate immediately began working on the Kailua Rockslide issues when it was brought to their attention.
- Kailua High School Access Road has been a collaborative effort between the Board, the Community and the Legislature.
- Senator Hogue's survey, sent to the entire district, reflected response priorities: 1) schools and 2) tax relief. Both were accomplished with \$250 million for schools and tax relief of \$50 million that stimulates the economy.

Questions, comments and concerns continued:

GOVERNOR'S REPRESENTATIVE – RECKTENWALD – HHRF (Hawaii Hurricane Relief Fund) -- what is the status. That money remains in an account and may need to be restarted, especially in light of Zepher tightening restrictions on issuing wind policies; however, the fund was established to step in if there was a total failure in the marketplace. It was not set up for wind. The fund is still there, it has a Board of Directors; the Legislature may look into the fund for possible adjustment as appropriate to help address other situations. It is there for a fast stop in the event of a failure of the market.

SENATOR HEMMINGS –

- 1) Wood recalled the statistics on State Board of Education (BOE) were being debunked this afternoon by Randy Moore in the notion that the changes reflect where the funds are put by classification that had not previously been charged to the State Department of Education (DOE) such as pension and other large expenditures with the exception of Felix Consent Decree and that the rest of the funding changes were CPI – No Child Left Behind. Hemmings responded, children are the same throughout the nation, the numbers are DOE's, not his, and Randy Moore is part of the problem, not part of the solution. He questions why Hawaii's children last in education across the nation. 180,000 children divided into 2.4 billion equals well over \$11 thousand per child.
- 2) Bartley recalled 18 months ago the KNB took a strong position against illegal vacation rental industry and thanks to Senator Hemmings for putting together an Ad hoc Committee and more recently in a meeting with the Governor – and the tourism director to work in the legislature to stop the advertising and eventually getting HVBC to stop advertising illegal rentals. Senator Hemmings thanked Bartley and the NB added his gratitude to Mike Heh for his perseverance in the Kailua High School Access Road and suggested it might be named Heh Way.

REPRESENTATIVE PONO CHONG – No representative was present.

REPRESENTATIVE CYNTHIA THIELEN – John Foster distributed the Representative's report and wanted to second what the Senators said about tax relief, but Representative Thielen would have liked to see more in the renewable energy and the extension of tax credits for photo voltaic and wind program. With a strong economy more can be done next year.

REPRESENTATIVE TOMMY WATERS – No representative was present.

U.S. CONGRESSMAN ED CASE – No representative was present.

Questions and comments continued:

COUNCIL MEMBER BARBARA MARSHALL – Andrew Malahoff

- 1) Corcoran recalled that last month the Councilwoman stated the reason for not having the two bus stops at Auloa Road, on Kalanianaʻole Highway, outside of Maunawili was because the State would not grant a portion of their land to be used for the bus stop. Tonight, the State says it has a Memorandum of Agreement (MOA) that allows the use of the land by the City for bus stops and the State returned the plans to the City two years ago for revisions for safety concerns. Which is it? Malahoff stated a request for status was sent out this week based on the information the councilwoman had for the last three years. That was that the City could not construct the shelter until the State has constructed improvements initially. The request is for clarification and alternatives to provide safe bus stops. Corcoran expressed frustration in that he felt the community had been stalled by the City Council.
- 2) Evans suggested Councilmember Marshall may have been the only one doing anything about the issue and that pressure must be put on the State Legislature and DTS.

There were no objections to the agenda being taken out of order for Community Projects and Notices.

COMMUNITY PROJECTS AND NOTICES:

UNIVERSITY OF HAWAII (UH) – DEPARTMENT OF URBAN AND REGIONAL PLANNING (DURP) – Professor Luciano Minerbi and student Trisha Dang were present and invited everyone to attend the presentation by the students at the Planning, Zoning and Environment committee meeting, May 16, at 7 p.m. to talk about a community oriented physical, urban design, environmental study of Kailua.

Trisha Dang, with DURP, stressed that the study was begun with the Kailua Neighborhood Board as its client because Kailua was a unique town with an active town center and needs to address planning issues at a local neighborhood level within the ahupua'a. The study was funded by a grant and began in January and will end in May. Collaboration has been with NB members, community groups, and the private and public sectors. Focus was on three specific issues: Environmental planning, social planning and physical planning. The physical planning group focused on mixed use zoning and also other issues within zoning: transit and parking, architecture characteristics and development in Kailua. The Social planning group focused on homelessness, transient accommodations and affordable housing. The Environmental planning group focused on Kawainui Marsh, Enchanted Lake, and associated water quality issues as well as compiling a timeline for Kailua. We collected and compiled our data using Newspapers, reports, past and present programs and projects, spoke with individuals, non-profit groups; City and State agencies and utilized past surveys in Kailua. We conducted our own small scale survey with specific landowners in the central business district in the mixed use zoned area. The Practicum data will be presented at the Planning, Zoning and Environment Committee, May 16, at 7 p.m. at Kalama Beach Park. Due to time constraints tonight specifics will not be discussed, rather a power point presentation will be presented at the committee meeting. The posters are displayed outside this meeting room and it is hoped that folks have had an opportunity to view them and will make comments on the diagrams, history, facts and issues affecting Kailua. You may email your comments to Kailuastudy@yahoo.com.

The agenda resumed order with Community Issues.

COMMUNITY ISSUES - Please sign in at the meeting or complete a community concern form or e-mail to: kathybryant@dpr4adr.com (comments should be limited to 2 minutes).

HAMAKUA TRIANGLE - EPA MITIGATION - COLUCCIO CONSTRUCTION AND KANEOHE RANCH CO. - Jim Latko reported that Coluccio Construction did clean up the triangle area at Hamakua Wetlands where the base yard was -- only partially -- and a great deal still needs to be done. Latko made the point that any building on that location heavily impacts the wetland and water run-off and flooding to the surrounding condominium and residential areas and offered a photograph of the area taken 20 years ago, just after the condominiums were built, prior to the current base yard and identified how much of the wetland had been impacted with recent activity. Mr. Latko requested the issue remain on the KNB agenda for a number of months as it needs to be tracked while the Environmental Protection Agency (EPA) mitigation is carried out. Latko was concerned that it has been suggested that he and other concerned residents are against the development of affordable housing when in fact his point is that the property is a wetland and water run off area and as a "bowl" that has been disturbed, currently floods the street behind the triangle. If the 7.2 acres are built on, for any reason, it will be a real mess. He reminded that Susan Miller as also requested this issue remain on the agenda; and the EPA is very concerned with the disturbance to the area, enough to require accountability and monitored mitigation.

Comments followed: 1) Prentiss stated that those who live downstream are very concerned about the flood retention capability of the area as the flood waters can rise very quickly and damage our homes and thanked Latko and Miller for their continued work on the issue; and downstream residents are anxious to have the fill removed. 2) Corcoran stated that the issues will also be on the Planning, Zoning and Committee meeting, May 16th. 3) Latko reminded the board in Muriel Seto's address to the board last month (April)--read at the bottom of her letter, she "warned the board" against these types of activities in wetlands.

The agenda continued with Community Projects and Notices.

COMMUNITY PROJECTS AND NOTICES:

DLNR DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT (DOCARE) OVERVIEW OF ROLL AND RESPONSIBILITIES – OFFICERS – Evans introduced guest speakers from DOCARE: Supervisor, Windward District Wesley Mundy; Enforcement Chief, Gary Moniz; Oahu Branch Enforcement Chief, Robert Fernandez; and associate Robert John Silverstein to address 1) who they are, 2) number of officers in Windward, 3) jurisdiction, 4) rate of apprehension or enforcement, and 5) how do they work with the beat officers (HPD) or lifeguards. Evans stated there are only three officers for the Windward side of the island. Wesley Mundy introduced himself and the DOCARE officers, Silverstein passing out a brief handout. DOCARE is one of thirteen division of DLNR. DOCARE is made up of Conservation and Resources Enforcement Officer (CREO): A CREO is a state law enforcement officer with diverse duties and responsibilities and full police powers. CREO are Game Wardens, Marine Patrol Officers, Forest Rangers, Park Rangers, and Drug Enforcement Officers as well as Police Officers—all in one person. Jurisdiction is the entire state from South Point, Hawaii to Kuri Atoll. DOCARE patrols the water, mountains, and State parks and has concurrent jurisdiction over City and County Parks; although this is not the primary patrol areas, however, DOCARE patrols Kailua Beach. DOCARE patrols

small boat harbor facilities, patrols the waters of the State going out three miles; and concurrent jurisdiction with the Coast Guard for twelve miles. DOCARE enforces Hawaiian fishing rules, Hawaiian Tourism activities, to include Waikiki Beach, Surfing Stands, surfing lessons, dive operations, boating activities, and commercial tour operations. In brief, DOCARE officers measure your fishing nets for legal size, the fish caught and the illegal sale of fish to retail and wholesale facilities so as to not deplete local stocks. There are 102 authorized positions State-wide, 34 positions are on Oahu, currently there are 28 sworn officers on the road. Specifically, for the Windward side there are three officers and one supervisor. The supervisor makes cases, writes citations, conducts investigations and conduct administrative duties for supervision of personnel. Officer responsibility covers Mokapuu Point to Velzyland. Coverage includes the Ko'olau ridgeline and the entire shoreline. Officer Silverstein is part of our crime reduction unit. Similar to HPD crime reduction units, the target is specific crimes that require long-term investigation such as undercover, surveillance, plain clothes work including seizures of drug operations and counter-surveillance operations including other islands in need of additional manpower resources. That unit is made up of seven officers, as the HPD crime reduction units consists of six to seven officers for the district, however our units are responsible for the entire island.

Questions and comments followed:

- Bartley, on noting the officer's side arms--a number of persons have expresses extreme reservation for game wardens or park patrols and the use of side arms--please comment on the necessity of side arms. And, Kailua Bay is the main concern and enforcement isn't seen out there with the commercial activities on the Bay swimmers vs. kayakers vs. wind surfers vs. kite boarders and therefore, what is it going to take to get that place under control as concerns enforcement manpower. Response: DOCARE are actually law enforcement officers, thus the side arms. The responsibility for enforcing laws is just as HPD as we deal with many of the same types of folks including standard domestic disputes and drunk drivers who are on boats; then drug dealers, vehicle break-ins and thefts are the same folks. Harbors and parks are a microcosm of society and have their own issues just as any community and we find ourselves in harms way as well as in the position of protecting the public to include issuing the occasional parking citation. We were recently audited and one of the points brought up was that we are understaffed. Anecdotaly, eight and one-half years ago there were eight officers and one supervisor in this district, now there are only three officers and one supervisor due to necessary reassignments. With the addition of homeland security and our attachment to Civil Defense, even the eight officers would have been stretched thin. We may not be visible, even to the criminals; we are often not in standard uniform. We would like to be here more, especially as the Mokuluas have been heavily impacted. The bulk of or calls come in during the day and our officers are usually assigned during those hours—we are unable to allow our officers work alone 24/7 for their own safety. Our radio dispatcher does not work in the evening and therefore the safety net is not there. For specific projects we work together. We also work with HPD and have a good working relationship with HPD, especially as relates to car break-ins. We need a lot more officers.
- Glanstein inquired first of the personnel retention rate and second, whether a request was made for an increase in positions during this legislative session. Response: retention rate is very good as the positions are highly sought after in law enforcement. Anecdotaly, eight years ago when there were 11 positions open there were 4,000 applicants. Filled positions tend to stay to retirement. However, the stringent nature of the job, scuba, helicopter repelling, the age and ability of the officer needs to be addressed for assigned duties that change approaching retirement. Secondly, the chief submitted a request for 50 sworn officer positions; proposal for 24 hour dispatch for backup contact and checking for outstanding warrants (we not use our personal cell phones to fill this gap). Of the 55 positions requested, the dispatch was turned down and 11 positions were approved for the entire state.
- Corcoran did not recall ever seeing a uniformed officer at Kailua Beach. Response: This current uniform is new, previously the uniform was blue denim and light blue button-down shirts with badge displayed on left chest pocket. Corcoran requested the number of times in a week an officer might be at Kailua Beach Park between the Boat Ramp and the Beach Park. Response: While the frequency is daily, it includes the entire coastline by doing spot checks unless there are specific complaints. The patrolling activities cover the launch ramp and Lanikai, however, if one crew of two officers check the ram, the coastline, Flat Island, and the Mokuluas, it could be said that has been a full day on the water. Prior to 9/11 we did quite a bit of that, now we use spy scopes and binoculars to check for violations and respond to those with a 15 foot jet boat or apprehend them when they come back to shore. We cruise Kailua Beach a dozen or more times a week.
- Dudley commented he had seen an officer at the beach in a truck with binoculars four times in the last three months.
- Mundy further commented that working with the lifeguards and the police department quite extensively, especially in the areas of search and rescue, recovery work on the water and when you see search and rescue in the mountains, we are there with HFD and HPD too--as guides.

Bryant-Hunter thanked DOCARE and Mundy for the presentation and information.

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Bryant-Hunter announced that the presentation by DPP on public involvement and notice for various permits and variances was deferred to the June meeting as they were unable to attend tonight.

The agenda resumed order with Board Actions.

BOARD ACTIONS:

GOVERNMENT AND COMMUNITY SERVICES COMMITTEE – Vice-Chair, Jim Corcoran offer the committee motions: **The KNB supports expanding and reopening HUD Section 8 list to include a letter to HUD and the Congressional delegation.**

Discussion followed: 1) Glanstein stated there was no secret that we have a problem with the lack of availability of affordable housing and one reason is the housing and development subsidies stopped two years ago. There was a long waiting list at that point and they closed that list. We are asking for consideration, given the situation, that they should open the list again and expand it. We are asking for a letter to be sent to our Congressional Delegation in regard to that. 2) Lindgard opposed the concept of overeager civilians wanting to expand enforcement capability at Beach Park as it is a reflection of “cop-itis” to have power without reasoning. Putting policing powers in the hands of civilians is the wrong thing to do. 3) Bryant-Hunter requested Lindgard to address this opposition to the next motion. **The motion carried 13-0-2. Aye:** Bartley, Bryant-Hunter, Corcoran, Correa, Dudley, Enos, Evans, Gibler, Glanstein, Lindgard, Prentiss, Ure, Wilson and Wisch. **Abstain:** Dowsett, Harding.

The KNB requests that DOH, DHS, Judiciary expand list of Crisis Intervention Facilities to include homeless population.

Discussion followed: 1) Corcoran explained that other populations, abused, drug and alcohol abuse, mental health populations are included in crisis intervention, however, homelessness is not. 2) Evans was unsure on support for or opposition against the motion as she did not think the Judiciary was involved in crisis intervention. 3) Glanstein stated knowledge that the Judiciary was involved, especially in dispute resolution which can then recommend them to crisis intervention facilities and while not as direct, it is a part of wrap-around human services. We are asking them to expand the list, even if that only involves providing phone numbers email address, a website. 4) Evans inquired if the homeless were already included anyway. 5) Glanstein suggested strongly that the addition will allow a better handle on the problem of homelessness if it is in the list. We presently do not have a handle on the situation. Whatever agencies, sub agencies—they need to know there are places they can go and they can get the assistance and direction they need in order to address their problem.

The motion carried, 10-5-1. Aye: Bartley, Bryant-Hunter, Corcoran, Gibler, Glanstein, Lindgard, Prentiss, Ure, Wilson and Wisch. **Nay:** Dowsett, Dudley, Enos, Evans and Harding. **Abstain:** Correa.

The KNB requests that DOE revisit public school campus(s) for summer use as homeless shelters and services as constructive remedies for consideration.

Discussion followed: 1) Corcoran shared additional committee discussion that this may also allow for civil defense to practice preparedness in the event of disasters. 2) Dowsett opposed the motion. DOE summers are the only time to do intensive work at the schools and secondly, the kids are there all the time even when schools are not in session. There are a lot of homeless that do have substance abuse issues, do have mental health issues and she did not think the schools were the appropriate places for housing for even a very limited time, especially that summer vacations are very short now. 3) Wisch inquired to what extent kids would be impacted, especially for formal reasons such as summer school or for some other sports program that happens during the summer and was this considered at committee. 4) Glanstein clarified that the committee was not supporting this use, rather the motion indicated that the committee would be asking DOE to revisit the issue—a whole different subject. 5) Wish clarified that should there be a formal sports program or summer school the students were expected to attend he would not be in favor of it being revisited to be a homeless shelter during that time. 6) Glanstein said of the possible alternatives, this is one, and it has been discussed before, it has been turned down before, it has been given other consideration, there are, however, any number of children who are part of a homeless family. And those people should be given the ultimate consideration too. This is just something we are asking to look at. 7) Gibler opposed the motion as he thinks public schools are already in disarray and he does not want to throw more problems into the schools, especially the degradation of the schools themselves and then the repairing of them—and it is a safety issue for students to be there as many of the homeless around Kailua have drug problems, are violent, some have mental problems; and we don't need to put our kids into that relationship 8) Evans spoke against the motion citing that most elementary schools are in residential areas of our community and has the community's concerns been taken into account and how they might feel—and when summer is over, is that is all there is for the homeless—they will always consider that as a shelter. **The motion failed due to the 10 votes required to pass the motion, 4-11-0. Aye:** Corcoran, Glanstein, Lindgard and Ure. **Nay:** Bartley, Bryant-Hunter, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Harding, Wilson and Wisch. Board member Prentiss did not vote

TRANSPORTATION AND PUBLIC SAFETY – Chair Faith Evans offered the committee motions:

The KNB strongly urges the Mayor, the City Council and the Honolulu Police Department to reinstitute a Special Parks and Beach Detail in each HPD District dedicated to improving the quality and safety of the active parks and beaches in the City and County of Honolulu and to enforce the laws of the State of Hawaii and the ordinances of the City and County of Honolulu; the Detail would be 24/7. Additional funding to be included in the HPD budget. The justification for the Special Parks and Beach Detail will be made a part of the motion: Justification: The mission of the Special Parks and Beach Detail would be to improve the quality and safety of the active parks and beaches in the City and County of Honolulu for the enjoyment of the community and to serve as a resource to park patrons. The officers will enforce the laws of the State of Hawaii and the ordinances of the City and County of Honolulu. The Detail would operate under the community policing philosophy, responding to the needs of its patrons and employees of the parks and beach lands. There are not enough beat officers in most districts to service the active parks and beaches. The Detail would work closely with State Division of Conservation and Resources Enforcement (DOCARE).

Discussion followed: 1) Evans address the costs associated in that there are eight districts on Oahu, 12 officers per district, or 96 total officers. With allowances for sick leave, vacations, etc., \$55,122.00 for each officer and to include retirement, sick leaves, vacation time and equipment would be \$5,291,712.00. 2) Dowsett supported the motion citing persons in her sub district support more law enforcement officers in the community to help the community and take enforcement action when needed. 3) Corcoran inquired the wording of the motion to “reinstitute”—was there one formally and was it dropped? 4) Evans stated yes, in the past, there were officer assigned only to beaches. As each officer retired, and were not replaced, the program ended. We wish to have it reinstituted with officers assigned to active park and beach. 5) Corcoran inquired if the beach below the vegetation line would be a part of the jurisdiction. 6) Evans stated the special duty officer could call DOCARE and have concurrent jurisdiction to make an arrest. They would use all-terrain vehicles (ATVs) and work closely with the lifeguards (who have no authority). Dedicated officers would know the ordinances and laws better than the beat officers—who already have too much to do. They would be able to warn patrons of violations so that arrests would not be necessary. 7) Bartley spoke in favor of the motion in an effort to get more officers out there to enforce drug laws, homeland security, traffic infractions and we need more officers in our communities—this will provide that. 8) Dudley agreed with Bartley. 9) Enos asked whether officers would have the enforcement capability over commercial activities at the Beach and in the park. 10) Evans said, yes, and they would be the eyes and ears for DOCARE. 11) Wisch requested clarification that this motion would not create a new department or agency, rather it would bring back a program that was there before. 12) Evans stated they would be attached to HPD, not DOCARE, and be special trained for laws and ordinances concerning parks and beaches. 13) Gibler supported the motion suggesting the physical presence of officers will reduce the problems and illegal activities currently at the park and beach. 14) Prentiss remarked the motion was very similar to the one defeated last month. Speaking against the motion, Prentiss pointed out the State is increasing the number of DOCARE and the cost of the program is very important. The State, with a broad base of tax support and tax surplus will be funding DOCARE, while this motion calls for us to hire nearly 100 new police officers for 6 million, however, with office space etc., that cost may actually be closer to \$7 million a year for every year to sit around at beach parks waiting for something to happen. It will be very expensive and comes out of our property taxes which have risen precipitously recently causing some to loose their homes. Prentiss would rather have the alternative to fill the five to seven vacancies at HPD for Kailua which would be less money every year with more flexibility to do more police work including the beaches as well. 15) Lindgard spoke in support of the police officers, and he has been a staunch advocate of providing more police in Kailua. Despite getting the positions and the funding, they are still not being filled. Speaking against the motion he reiterated that a fully operational police force is of more benefit to Kailua than the eager beaver program being requested here. 16) Evans reported a member of this board and his extended family had a gathering at the park and was intruded upon by 10-20 additional persons asking for food. In the restroom several family members were harassed by persons asking for money. We should be able to have families and visitors have a safe environment when they go to the beach park. This motion is similar to one presented to the board previously however, this is within the police department, the park rangers was entirely different. Further Mundy said there were going to be 11 more DOCARE officers for the entire State—that’s not going to cut it in Kailua and property taxes have nothing to do with it.

Board member Chinen arrived during the discussion 17 members present.

Board member Harding left the meeting during the discussion 16 members present.

The motion carried, 14-2-0. Aye: Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Ure, Wilson, and Wisch. **Abstain:** Lindgard and Prentiss.

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Formation of a Permitted Interaction Group (PIG) to discuss the enforcement issues of human habitation of living in a motor vehicle on unimproved sidewalks fronting the Kailua Beach Park and within the park's parking lots; other enforcement issues related to the situation will also be included.

Bartley called **Point of Order** reminding the Board that State Office of Information Practices (OIP) has stated that in forming a PIG the Board must name the members and their specific duties with the establishment of that group, when they report and who they report to. Please expand the motion. 1) Evans offered the names of the proposed PIG: Virginia Enos – Chair; members Mike Dudley, Faith Evans, Dale Gibler and Lt. K. Finn tasked to discuss and bring back to the Chair of the Transportation and Public Safety Committee and then to the full board. 2) Bartley stated the OIP requires that no other attend the meeting unless names during the formation or authorized by the board and that the reporting shall be to the full board. 3) Chair Bryant-Hunter stated that a recommendation from the PIG may address the Transportation and Public Safety Committee but if the Committee chooses to make a motion then the committee can bring that motion back to the full board. In the motion the committee would say it was the recommendation of the PIG, and is now being presented to the board, or, the PIG could make their recommendation to the full board. It has been or process to often have the PIG recommend to a committee who then discusses further and makes a motion for the full board. There is flexibility. Also, the PIG will be listed on the agenda for the board for a full report each month. We now have a motion before the board that identifies the members and describes the responsibility of the PIG and the reporting process.

Formation of a Permitted Interaction Group (PIG) to discuss the enforcement issues of human habitation of living in a motor vehicle on unimproved sidewalks fronting the Kailua Beach Park and within the park's parking lots; other enforcement issues related to the situation will also be included. Chair Virginia Enos, Members Mike Dudley, Faith Evans, Dale Gibler and Lt. K. Finn and will make reports and recommendations to Transportation and Public Safety Committee and Full Board at regularly scheduled meetings. Motion (as amended) carried 13-0-3. Aye: Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Lindgard, and Prentiss. **Abstain:** Ure, Wilson and Wisch.

Ure asked was it was unusual to have a PIG report to a committee and not the full board. Bryant-Hunter stated the B&B TVU PIG has reported to the Planning, Zoning and Environment Committee—not all the time, but sometimes and has made their reports to that committee. And the Neighborhood Plan Review PIG has reported to the Government and Community Services Committee.

NON-COMMITTEE MOTIONS: Chair Bryant-Hunter relinquished the gavel to Vice Chair Bartley to introduce a non-committee motion.

Bryant hunter explained this was a follow up motion to the water quality motion from last month for beach parks and placing that information on a website. Bryant-Hunter moved that **the KNB strongly requests that the Department of Health implement a beach sand testing and monitoring system in addition to water quality monitoring at all beaches. Further, the Board requests that DOH develop baseline data immediately. Testing results should be made available to the public on the DOH website.** The motion is time sensitive as the DOH is considering doing this now and the motion requires a second. **Motion was seconded by Corcoran.** Vice Chair Bartley reread the motion. Member Prentiss **called for the question.** Vote was requested on **call for the question** which board members were reminded would end debate. **By a show of hands the call for the question failed.** Discussion on the main motion: 1) A resident inquired if the sand would be tested all along the beach or just at the beach park. Newspaper articles do not identify the locations for the testing and the resident was concerned in regard for safety of children. 2) Bryant-Hunter restated that the resident wished testing to be a various location of all beaches, not just the Beach Parks. 3) Corcoran supported the motion and reminded board members that as a beach community and a beach State it was important to test the sand. 4) Enos stated her understanding that an independent group conducted sand testing and they were surprised to find the levels “safe”. Is there more information on that as we are not sure where we are starting on this data collection? 5) Bryant-Hunter responded that because there is not good date just now despite some data from independent testing, and since Dr. Bruce Anderson was quoted in an article that there is a lack of data then there is a fear created in a community that does not know if the sand is safe or not, This motion will allow the establishment of a baseline data base, quickly, so that we have some information to work with and then in the future if spills occur we have some comparative date to work with in making good, informed decisions. Speaking in favor of the motion Bryant-Hunter agreed with Dr. Bruce Anderson's point that the data will assist in keeping the community informed. 6) Glanstein suggested the DOH, as referred to in the motion, should be charged with forming the baseline data first: “immediately”. Rearrange the motion to first establish and “immediate” baseline, secondly; the implementation and third; the announcement of the results. 7) Dudley has seen the testing person test the sand at the beach at the boat ramp and that may be logical because of the stream outfall. He though it was highly unlikely the testers went through private property to test the sand at the beach. 8) Joe Gilman has seen the City test the water, not at the boat ramp but behind Kalapawai Market once or twice a month. This has been routine even before the sewage spills. The City may be monitoring

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the water quality in relation to the Mokapu Outfall. **The motion carried by unanimous consent, 16-0-0. Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Lindgard, Prentiss, Ure, Wilson, and Wisch.

Vice Chair Bartley returned the gavel to Chair Bryant-Hunter.

Chinen moved and Ure seconded that **the KNB supports the efforts of NB 25 in opposition to community associations being asked to take responsibility for public resources.**

Discussion followed: 1) Evans spoke against the motion for lack of knowledge for whether the Association in question agreed to with a developer previously. 2) Prentiss inquired why the motion was being introduced as a non-committee motion when it is a motion from the Government and Community Services Committee (motion number 5) –which is it? 3) Corcoran stated that the motion was to have been on the board agenda for Government and Community Services Committee Actions and somehow was not picked up. 4) Bryant Hunter stated that as a Committee motion it did not change the fact that the board is in discussion, only that the motion did not need a second and that the resolution attached is from the Mililani Board, not a resolution from the Committee. 5) Prentiss stated the copy of the NB 25 resolution give information in that the City expects the Association to pay for a project that they say should be paid for by City taxpayers. It appears reasonable to me. 6) Corcoran suggested there were exact parameters to the NB 25 resolution that detailed the board's reasoning for the resolution that this board has the opportunity to support as a bonafide effort to address public resources needing to be addressed by governmental bodies. 7) Bartley suggested the word "asked" may need to be "required" in the motion. He does not support the motion at this time. **The motion failed due to the 10 votes required to pass the motion. 7-4-5. Aye:** Bartley, Chinen, Corcoran, Glanstein, Prentiss, Ure and Wilson, **Nay:** Dowsett, Evans, Gibler and Lindgard. **Abstain:** Bryant-Hunter, Correa, Dudley, Enos and Wisch.

Member Wisch left the meeting, 15 members present.

Resident Joe Gilman requested clarification to the confusing agenda and was given a copy of Neighborhood Board 25's (Mililani / Waipo / Melemanu) Resolution concerning water quality detention basins constructed by Castle & Cook Homes Hawaii and refused dedication to the City. 1) Ure clarified that the Community Association in the Neighborhood Board area has been requested to assume responsibility for detention basins constructed by the developer to catch run-off and the retaining soils are still there and should the retaining soils breach in a rain event when they fill with water, the home down stream will sustain damage similar to Waimanalo and Kauai. It was the Committee's intention to bring to the Board's attention that developers should not be allowed to build detention basins (infrastructures), and then require the community associations to take responsibility for them. 2) Glanstein noted that the road leading from Kailua Road to Kailua High School is sub standard. It was built prior to the present code. Should that road be expanded to meet with the present code and then that particular community association to pay for the improvements—this is the same basic issue we identified here when it is put in your neighborhood without you understanding its context.

Glanstein moved and Corcoran seconded **the KNB advises the State Attorney General of the hazardous situation that exists at the bus stops at Aulua Road and the Pali [Kalanianaʻole] Highway. The Board requests an inquiry to resolve the jurisdictional differences between the city and the state, that have held up construction of appropriate, safe shelters and bus stops for the diverse users of public transportation.**

1) Glanstein reminded that the Board has supported safe shelters on both sides of that roadway—heavily used, and is used by children, handicapped persons and other persons who need to use surface for transportation. It is an incredible problem and we have addressed that is a hazard—a continuing hazard—a particular hazard when you have really bad weather. The MOA needs to be restored and looked at again. This needs to be done. We do know that Councilmember Marshall has put Capital Improvement Funds into the Budget and somehow it keeps falling through the cracks. We are saying to the State, the Office of the Attorney General, this is a hazard and placing that office on notice that this is a particular hazard--now do something. 2) Bartley understood there was no jurisdictional dispute and moved **that the issue be committed to the Transportation and Public Safety Committee.** Evans seconded the motion. Bartley called **Point of Order** in that a motion to commit is voted on without debate. 1) Evans requested to comment, suggesting there were too many non-committee motions and that the maker of the [main] motion is a member of the Transportation Committee and the issue was never brought to the attention of the committee chair. In working with Councilmember Marshall's office and a few others, what was said tonight tells Evans it should be discussed in committee as it is not an emergency. 2) Bryant-Hunter stopped the discussion on Bartley's **Point of Order** as a motion to commit is not debated and the vote should follow immediately. **The motion passed 12-2-1. Aye:** Bartley, Bryant-Hunter, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Lindgard, Ure, and Wilson. **Nay:** Glanstein and Prentiss. **Abstain:** Chinen.

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Parliamentary discussion followed, member Bartley corrected his earlier **Point of Order**, as a motion to commit may be debated. Chair Bryant-Hunter stated the issue was committed to the Transportation and Public Safety Committee, however it was not a re-commitment as it had not yet been in that committee.

Prentiss requested the vote be undone and redone according to the parliamentary discussion. Bryant-Hunter confirmed the vote was “undone” and would be re-done with a vote after discussion. 1) Prentiss stress the project had been before the Board since 2003 as one of the CIP projects the Board had submitted to the City. Hearing tonight the Assistant Directory of Transportation say there had rejected the design the City had prepared and would entertain another design from the City questioned why the Board would wish to delay the issue any further by sending it to a committee. The Board has already elected to approve the project and it would seem a letter from the Chair of the Board to the City urging sending the re-designed plans to the State as requested. 2) Bryant-Hunter stated the main motion did not address that precise approach. 3) Prentiss opposed the motion to commit. 4) Corcoran moved to amend the main motion to state Kal Highway, not Pali Highway. 5) Chair Bryant-Hunter so noted. The vote was taken to commit. **The motion passed 13-2-0.** **Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Lindgard, Ure, and Wilson. **Nay:** Glanstein and Prentiss.

Corcoran offered a motion for Government and Community Services Committee that was not picked up on the agenda. **The KNB advises the City & County to accelerate the timetable for completion of sewer replacement, rehabilitation and repair as already stipulated the City & County Facility Plan.** Bryant-Hunter explained that the error of not placing the notion on the agenda would still require a two-thirds vote to add it to the agenda. Bryant-Hunter asked Corcoran if the issue was time sensitive and he affirmed that it was. Chair Bryant-Hunter counted the show of hands until she recognized 13 required affirmative votes. The motion was added to the agenda.

Discussion on the main motion followed: 1) Corcoran pointed out the Facilities Plan is already in place and the tables demonstrating the time-table that applies to Kailua are attached to the motion for you information. That time-table is already behind schedule. This motion advises the City to accelerate that timetable. These are exceptional times, Kailua Bay has been closed to swimming, fishing and boating due to sewer spills for a month, last year it was closed, two years ago it was closed for two weeks. Exceptional times require exceptional responses. The City needs to accelerate the timetable, put the funding in place and fix the areas responsible for the continued pollution of Kailua Bay with sewer water. **The motion passed unanimously 15-0-0.** **Aye:** Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Glanstein, Lindgard, Prentiss, Ure, and Wilson.

Member Glanstein left the meeting, 14 members present.

Corcoran offered a non-committee motion and needs a second. It is time sensitive and is a companion to the just previous motion regarding sewer rehabilitation in Kailua This motion requires a 2/3 vote to place it on the agenda. **The KNB requests the City install an emergency sewer bypass, similar to the Ala Wai bypass, along the Wanaao force main to prevent further spills and until the Wanaao project is completed.** Chair Bryant-Hunter counted the show of hands until she recognized 13 required affirmative votes. The motion was added to the agenda. The motion was re-read for a second. **The motion was seconded by Correa.** Discussion followed: 1) Corcoran strongly suggested that if an un-budgeted was good enough for the folks surrounding the Ala Wai sewer spill, would not an already budgeted bypass be good enough for folks in Kailua. In the City's Facilities Plan, the bypass is already budgeted for. This is a request that the city not wait until the end of the year or even next year when the project to rehab Wanaao Road-Kailua Heights pumping station, put the bypass in just as soon as possible. This will prevent the spills we have been having along Wanaao Road and at the Kailua Heights pumping station. 2) Dudley requested the location of the bypass on the table. 3) Corcoran stated under the name Kalaheo Project, Wanaao Road and Aumoe are included; secondly, under Pump stations – Kailua – it lists Kailua Heights WWPS Modification/Rehab. That is where the bypass is located. 4) Dudley suggested the Ala Wai bypass bypassed an interceptor and what the City is doing here is building the main line. Dudley question that the only two plants we have is the plant down at Aikahi and were we see the sewer water in the Enchanted Lakes area. 5) Corcoran clarified there was only one plant at for the Windward area except the State owned one at Waimanalo and that is the one located at Aikahi that treat sewage. The ones you may be referring to are Pump Stations. Where Wanaao road crosses the Oneawa/Hamakua canal, that pump station is Kailua Heights. Further, the Board was briefed two months ago that when they do the Wanaao Road project that that is where they are going to put the bypass through—the discussion included whether the sewer collection pipes would be under the canal or next to the bridge—during that presentation it was stated that the bypass would be all along Wanaao and on down Aumoe which would allow them to work on the current sewer pipe. Should they put in that bypass now there will be no more spills into the canal, into Enchanted Lakes and into Kailua Bay from the existing pike that is defective and due to be replaced. 6) Ure stated that Mr. Kwong presented at the April 6 Board meeting and a small chart in his packet identified this bypass would be done in the next couple of months. Prior to a bypass, the City personnel has been

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rushing out in the middle of a rain event and reversing the valve to direct the sewer back up to Kalanianaʻole Highway and over to Kailua Road on a main collector line—recalling Hamakua was not ready to receive the flow. The problem remains when personnel don't redirect the flow—as an emergency measure to keep from flooding homes and businesses. As they are about put in a bypass to repair and rehab the collector lines anyway, we want them to put in the bypass now rather than wait any longer. This will stop the pollution of Oneawa/Hamakua, Kealepulu, Enchanted Lakes and Kailua Bay. 7) Evans asked how Mr. Kwong responded to that suggestion. 8) Corcoran stated the discussions have been with ENV, Wilma Numynart, and a request to City Administration representatives. We have not heard back at this time. 9) Wilson commended the depth of knowledge regarding the issue and supported measures that could prevent future sewer spills and supports the motion. **The motion passed unanimously, 14-0-0.** Aye: Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Lindgard, Prentiss, Ure, and Wilson.

Corcoran offered a motion for Government and Community Services Committee that was not picked up on the agenda. **The KNB advises State Department of Business, Economic Development and Tourism (DBEDT) to prohibit Hawaii Tourism Authority (HTA) funding to Hawaii Visitors and Convention Bureau (HVCB) listing links to non-conforming and illegal B&B and TVUs in that advertising illegal vacation locations is an inappropriate use of taxpayer dollars.** Chair Bryant-Hunter stated it was advisable to place this item on the agenda with a two-thirds vote as it is time sensitive to the funding cycle of HTA. Chair Bryant-Hunter counted the show of hands until she recognized the 13 required affirmative votes. The motion was added to the agenda. Discussion followed on the motion: 1) Bartley supported the motion to address the ongoing situation--having met with the Governor's Tourism Director Marsha Weiner two months ago about this issue and she is putting pressure on HVCB, and he felt the NB motion will assist in that effort. Under this constant pressure the HVCB has begun to police their website. They need direction on how to identify the illegal links on their website. 2) Evans was in favor of the motion while she had difficulty with the wording. 3) Chair Bryant-hunter agreed to make the motion grammatically correct as the substantive content of the motion was not altered. 4) Ure stated that when evidence was provided by residents of Kailua to HVCB that a specific member was not in compliance with certain laws and regulations, they then investigate and take appropriate action. She offered a list of the legal non-conforming B&B and TVUs according the Department of Planning and Permitting for Oahu. With this attached to the letter, the HVCB can narrow their investigation more quickly—the NB has had this list for many months and wishes to share it with HVCB. **The motion passed 13-0-1.** Aye: Bartley, Bryant-Hunter, Chinen, Corcoran, Correa, Dowsett, Dudley, Enos, Evans, Gibler, Lindgard, Prentiss and Ure. **Abstain:** Wilson.

COMMITTEE REPORTS – PERMITTED INTERACTION GROUPS (PIG):

CHARTER COMMISSION – Bill Wilson reported: With over 100 proposals submitted for consideration--2 May, and of the 23 that moved forward for a vote, only 11 passed. The history of the Charter Commission, proposals submitted and status has been placed in the reading file (16 pages) Of the 23 proposals pertaining to the NB system, none moved forward for the November ballot. Of this Boards 5-6 proposals only one (Proposal 13) made it to May 2 with and amendment deleting the last two clauses. That has now failed. Having attended the last Charter Commission for the first 3 hours and submitted strong testimony (20 copies) in support of the Proposal 13, however, it did not go forward for the November ballot. Another meeting of the Charter Commission will be on May 10 at 2 p.m. at Honolulu Hale, second floor. The history is available in the reading file for those who wish to avail themselves of it, or the Charter commission website. The proposals that vote forward from here go to Corporation Counsel for re-writing for the November ballot. 2) Bryant Hunter thanked Wilson for being the NB liaison to the Charter Commission and commended his for his long hours and perseverance. Interesting, but disappointing that the NB proposals to the NB system failed to be placed on the November ballot. 3) Corcoran reminded the Board that much of the information in the proposals have an opportunity to be reworked in the Draft Revised Neighborhood Plan. This is not a total loss for neighborhood boards.

PROPERTY TAX PROPOSALS – Bryant-Hunter suggested the Committee be disbanded at this time as the City Council has taken action on property taxes. The Committee can be reinstated by the Board should the need arise.

ENFORCEMENT OF B&B AND TVU – Jon Chinen stated that Wisch stands by Mr. Malahoff's report regarding two affidavits and also that there are vacancies on the permitted interaction group if board members are interested in serving on that committee.

NEIGHBORHOOD PLAN REVIEW – Jon Chinen emphasized the neighborhood boards are ready when the Neighborhood Commission starts moving on the revised draft neighborhood plan once again. 2) Ure noted the Neighborhood Commission Minutes for January 2006 were published on the web today and a new Agenda for May 9. The Agenda states they will be examining further, toward a public review of the revised plan. This will allow some

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of the submissions of this , and other Boards to be worked into the Draft Revised Neighborhood Plan before public hearings which will have to be scheduled after the formatting of the Plan by the Commission with the assistance of the Neighborhood Commission Office (NCO). The Plan is currently back from the Executive Secretary of the NCO in a form the Commissioners need to move forward. Board members are encouraged to attend the May 9 meeting.

COMMITTEE REPORTS:

TRANSPORTATION AND PUBLIC SAFETY COMMITTEE – Chair, Faith Evans

Report on Kailua High School Access Road - Evans reported the issue had been covered earlier.

Road closure on upper Auloa Road – Evans reported that Auloa Road is now open and the Acting-Managing Director kept her informed of the progress--and the Castle family was cooperative.

Rockfall mitigation near entrance to Kailua – Evans reported the issue had been covered earlier.

Lack of response from DTS on several letters sent to the Director months ago – Evans reported she will prepare the unanswered letters in a form that Chair Bryant-Hunter can utilize to prepare a follow up letter.

COMMITTEE MEETING: WED. MAY 17, 2006 7:00 PM KALAMA BEACH PARK.

GOVERNMENT AND COMMUNITY SERVICES COMMITTEE – Jon Chinen, Chair

Hurricane Insurance Policy Criteria – Chair, Jon Chinen reported the Committee will be addressing the recent changes and requests for changes in policies written under Zepher that affect Oahu homeowners.

COMMITTEE MEETING: SAT. MAY 20, 2006 AT 10:00 AM Zippy's Kailua

PARKS AND RECREATION COMMITTEE – Chair, Chuck Prentiss

Update on commercial activities at Kailua Beach Park – reported a good discussion on commercial activities conducted at Kailua Beach Park. Unfortunately the invited guest from Parks Department forgot to come to the meeting. We will try to get that information with what the current activities are in respect to limiting commercial activities at Kailua Beach Park. As a heads-up, it appears just about all the committee members are opposed to just about all the commercial activities currently engaged in at the Kailua Beach Park. The may me motions fairly soon for the full board.

Update on licensing of kite boarders – the Committee has not received a response from DLNR regarding licensing Kite boarders at Kailua Beach Park and the Committee sent a follow up letter to DLNR asking for a response to our request. 1) Resident Joe Gilman reported that the lifeguards have been instructing kite board instructors in the use of Jet Ski for the last two weeks in rescue operations in response to the downed sky-diver and visitor up at Haleiwa over the water that resulted in the death of both, from downing, to use in the sport of Kite boarding.

COMMITTEE MEETING: TUESDAY MAY 16, 2006, AT 7:00 PM KALAMA BEACH PARK

PLANNING, ZONING AND THE ENVIRONMENT COMMITTEE – Vice-Chair, Jim Corcoran

Waimanalo Guch Leeward Landfill update on expansion – Corcoran provided board members with the Honolulu Advertiser article that contains important schedule information for the next two years. The article provides the time-line for the Environmental Impact Statement (EIS). January to March of 2007, if the timeline is met will produce the Final EIS for Waimanalo Gulch Landfill Leeward. May of 2008, at the bottom of the article's timeline, indicates WGL-L will accept municipal refuse. Keep the timeline handy as this will be on every agenda until the task is completed in May 1, 2008.

Resolution 01-225 - requesting DPP to review adequacy of land controls on developments on steep slopes – update on Board previously passed motion – deferred to next meeting.

Kawai Nui Marsh land exchange – update as reported in Representative Thielen handout, the Senate has killed HB 3056 which would have ended a fifteen year dilemma over flood control for the Marsh and which would have brought Hawaii \$5 Million dollars in federal funds to clean up the marsh. 2) Prentiss suggested the reason HB 3056 was not adopted was because the Mayor and the Governor announced they had reached an agreement on the jurisdiction and, therefore, the bill was not necessary.

COMMITTEE MEETING: TUESDAY APRIL 16, AT 7:00 PM KALAMA BEACH PARK

EXECUTIVE COMMITTEE, Board Chair, Vice Chair, and Secretary/Treasurer reports:

Secretary/Treasurer Report – Ure reported \$104.78 left in the budget for the production of agenda and minutes. This is not enough for the costs of May and June; however the Executive Secretary (NCO) was to have addressed the solution to this issue for the Board this evening. She was unable to attend due to personal issues. Our videographer has adequate funds remaining the budget at this time to cover the remainder of the fiscal year. 2) Chair Bryant-Hunter anticipates a follow up meeting with the Executive Secretary of the NCO and suggests the budget will be sufficient to send out agenda and minutes.

Status of Complaints – Chair Bryant-Hunter reported there is nothing new to report concerning the complaints pending against the Board.

THERE WILL BE AN ELECTION OF BOARD OFFICERS IN JUNE – that the election will be held at the beginning of the June meeting.

I Love Kailua Town Party – held on April 30 - was successful - Chair Bryant-Hunter thanked all the Board members again for the successful day. Many new people were signed up for the agenda notices and minutes. Linda and Debbi were kind enough to put together a survey and we distributed over 100 and we already have several of them back. While more abbreviated than our last survey it will allow us to update some of our information since the last survey. Many good comments were received from the community. Thanks again to the Board for their participation.

Sound system - set up - Chair Bryant-Hunter remarked the sound system seems to be working well and she thanked Bartley again for his efforts. Bartley reminded the microphone users to keep them faced away from the speakers to reduce unnecessary feedback.

COMMITTEE MEETING: TUES. MAY 24, 8:30 AM AGNES BAKERY

OTHER REPORTS:

CIVILIAN-MILITARY COUNCIL – Jim Corcoran – Base Deputy, Col. Mike O'Neil, who usually presides over the Civilian-Military Council, is in the process of retiring and will most likely be here next month; his replacement has not been named.

KAILUA CHAMBER OF COMMERCE – no report.

BOARD ANNOUNCEMENTS: The following announcements were made:

- 1) For Board member's information there are books being circulated that will be updated continuously as new information becomes available: a) **OIP Opinions** as relates to Neighborhood Boards; b) **Newly Enacted Ordinances**; and c) DPP requirements for Permits and **Variances** requirements as relates to neighborhood boards and the public; d) Board correspondence file. These should assist the Board members in staying informed. Should the Board wish to have a file solely on variance applications that would be possible? It is requested that all such files be circulated throughout the meetings for all board members to have the opportunity to view them.
- 2) Evans stated it was a concern that despite Wilson's announcing that the Olelo broadcast the neighborhood boards on channel 49, there is no published schedule in TV Guide because the publishers say they cannot fit it in.
- 3) Chair Bryant-Hunter did confirm that Olelo were broadcasting the KNB meeting at the wrong time, which has been corrected—**3 p.m. on Sunday's on Channel 49**. We will continue to request Channel 49 be listed so that people know it is there.
- 4) A resident was distressed that the DPP presentation for permits and variances was not given tonight. Chair Bryant-Hunter apologized for not making the announcement that DPP was unable to attend the meeting and the Chair of the Planning Zoning and Environment Committee could not give the information either. DPP will be at the June meeting to give that presentation. The resident stressed he wanted to hear from the department rather than a Board member, especially in regard to communities receiving notice of variances, not just the Board.
- 5) It was suggested by Ure that the Neighborhood Board could network with the Community Associations by email when the Board receives an application, hearing notice, or a variance.
- 6) Corcoran suggested it would be appropriate for residents to read the Board's reading file on permits and variances.
- 7) Bryant-Hunter stated that would be appropriate and an email address contact would assist in notifying the community. She continued that the process in place should be working, however, the board has received some

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variance, and not others, and sometimes to late to respond--and therefore that process is being examined as well. The DPP presentation can address what is the process, whether it is working or not, and remedies the Board can take to make it work better.

8) Wilson announced that Kaleheo High School will be having a blood drive Wednesday, May 10, 8 a.m. to 3 p.m.

9) **Agenda items to Chair by May 24.**

10) **Committee correspondence copied to Chair and Secretary.**

Moved by Ure, seconded by Corcoran, to adjourn. Without objection the meeting adjourned at 10:15 p.m.

Submitted by:

Linda Ure, Board Secretary and
Marie Richardson, Neighborhood Assistant